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SENATOR BIRCH BAYH AND JACK ANDERSON--GOOD MORNING AMERICA SHOW
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(Moderator) The senate intelligence agency is holding hearings this week. They are looking into whether Congress should pass a law making it a crime for people to reveal the names of undercover CIA agents. But Senator Birch Bayh, the chairman of that committee, wants other kinds of leaks stopped as well. And yesterday he declared that those who disclose classified information should be punished. So this morning, in a faceoff, we are asking, "Should government officials who leak classified information be punished?" It's already noted. Senator Birch Bayh says yes, and Jack Anderson who has already broken so many important stories as a result of such leaks says no. Jack is obviously in Washington. The Senator is in New York with me this morning.

(Moderator) Good morning to both of you. (all exchange greetings)

(Moderator) Senator, you know, since long before any of us were born leaks have been a part of the government and been a part of the policy-making structure, etc. Why all of a sudden should we change now?

(Senator Bayh) Because we've seen, in my judgment, a broadening of the kind of leaks, the kind of leaks that lead to corruption and this kind of thing no one is protected nor should anyone be protected from this kind of leak and those who disclose

this perform a significant service. But now we've almost gotten to the position where we have public policy established by leak, and in order to prove that the policy is right, the policy makers or those who are opposed to policy disclose information that does serious damage and serious jeopardy to the lives of the people who are serving our country in intelligence positions. It gives to the Russians information about our ability to defend ourselves; and I just feel that although we have a delicate balance of individual rights on one side and the rights of society generally, and I've been willing to defend the rights of individuals and have been one of the leaders as a civil libertarian, but I don't think anyone has a right as a public employee to disclose information that can lead to the death of a CIA agent out there in the gray area of the CIA or that can lead to disclosing intelligence information or weapon system information that can damage the ability of this country to defend itself. And if somebody does that kind of thing, then I think they need to be punished.

(Moderator) Are leaks too damaging, Jack?

(Jack Anderson) I think that there are occasions when there are damaging leaks, but I think that we ought to get one thing straight. Newspaper men are as just as patriotic as senators. Newspaper men are no more interested in jeopardizing the security of this country or having the deaths of CIA agents on their heads as senators are. The great danger is that the government has always used the secrecy stamp to censor the news. You see, the government never wants to present to the public anything that is going to be embarrassing--the scandals that you talk about like the Watergate scandal.

We would never have been able to publish it under your scheme. You probably recall. If you don't, let me remind you. President Nixon in response to the first Watergate story said it was national security. It was never national security, it was political security. You see, there are no censorship stamps in Washington. Our government officials know that in a democracy the American people simply wouldn't tolerate censorship stamps. So, when some embarrassing piece of information passes a bureaucrat's desk, evidence that he is guilty of wrongdoing, of corruption, of waste; when information like this crosses his desk, there he is without a single censorship stamp. So what does he do? He stamps it Secret.

(Senator Bayh) Well, Jack, let me say; according to my system the information in Watergate would have come out. Just putting a stamp on it doesn't make it secure. The Supreme Court ruled on two occasions, the Pentagon case on one and the Nixon tapes on another, that that kind of information to protect the political prestige of a president or the political prestige of a senator or some bureaucrat for making a darn fool mistake there is no constitutional right. What I'm talking about is the kind of information I read about in the newspaper. The other day, for example, I picked up the Washington Post and low and behold there was a dispute between the CIA and the Pentagon on the ability of this country to deal with strategic weapon systems and recording page numbers from the national intelligence estimate. I watched this program one morning, and without mentioning the name of the newscaster, here comes a reliable source that we have another hostage release plan.

Well I don't think that kind of information is the sort you leak information into the press to try to prove you're right. The other side doesn't have a chance to leak information to prove that you are wrong.

(Jack Anderson) Well, Senator, on the contrary I happen to been the reporter or one of the reporters who covered the Watergate scandal. On the contrary, I got information from the CIA including classified documents, classified documents which I published, classified documents that the President was trying to suppress. These documents showed that he was using the CIA to try to cover up the Watergate scandal, that he was using the CIA to try to even stop the FBI from checking into the laundered bank accounts in Mexico, that he was telling the FBI that this was a CIA matter, that it was a matter of national security. Now let me explain just how this system that you advocate would have to work.

(Senator Bayh) Jack, I don't think you understand my system. My system would not prohibit you from reporting this. My system would not prohibit anybody, would not punish anyone for reporting the kind of illegal activity you're talking about. I mean we've got some guys setting over there in the Pentagon that just stamp CLASSIFIED on anything. I understand that the number of outdoor toilets in Cuba is classified. Now, that's not the kind of information we're talking about.

(Jack Anderson) How are you going to work it Senator? You say that you are going to punish anyone who leaks classified information. What if somebody leaked us the information about the outdoor toilets? Somebody apparently has already done that to you.

Will the person who told you about that be subject to prosecution?

(Senator Bayh) Of course not.

(Jack Anderson) Well if not, how are you going to define classified information?

(Senator Bayh) ^(throw it out) First of all, we would reclassify information.

(Jack Anderson) You mean, You mean, You mean

(Senator Bayh) To reclassify information, it would have to be information that would lead to the death or serious injury of people in the intelligence community. It would have to lead to the destruction or the lessening of our ability to defend itself. Jack, you recall I'm not for bridging the responsibility to the press. You have one responsibility and I have another. But when I set there at the intelligence committee and we go through this whole SALT verification question and you see the questioned debated where the proponents of SALT one day will leak information to say well SALT is good because we can catch the Russians if they do A. And the opponents to SALT the next day will leak other information and say well we can do A but we can't do B, and we get to the situation where the Soviet Union doesn't need to hire agents to infiltrate or find out what's going on. All they have to do is clip the newspaper. Now, that's bad.

(Jack Anderson) Well, senator, I'm glad to talk to you about the SALT situation. I'm glad to tell you that I published some of those leaks, and do you know the kind of leaks that I published? I published the fact that the Joint Chiefs of Staff were suppressed from telling what they really believed. That the Joint Chiefs of Staff were unable to testify truthfully as to what they really thought.

That there were actually some incidents of Soviet violations of SALT I. This was the kind of information I published. It was classified information. Now, do you mean to tell me that the voters . . .

(Moderator) I'm sorry

(Jack Anderson) of Indiana ought not to have that information?

(Senator Bayh) I don't think the people of Indiana want information that's going to destroy the ability of this country, going to give the Russians secrets, going to cause CIA agents to be killed out there while they're trying to protect the rest of us.

(Moderator) Thank you.

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